1 2 Alexis D. Malone SBN 236356 Law Office of Alexis D. Malone 3 333 Gellert Blvd. Suite 209 Daly City, CA 04015 Tel: 650-755-7000 Fax: 650-745-4252 5 adm@lexilaw.com 6 7 8 9 UNITED STATES BANKRUPTCY COURT 10 NORTHERN DISTRICT OF CALIFORNIA 11 San Jose Division 12 13 IN RE: Case No.: 09-61448 14 Chapter 7 SJ RLE MICHAEL C. BURWELL-CALLERO, aka,) 15 Michael C. Burwell, aka Michael Burwell Hon. Stephen L. Johnson 16 and STIPULATION FOR DISMISSAL OF 17 COMPLAINT FOR DAMAGES, KATHLEEN E. BURWELL CALLERO aka' CONTEMPT AGAINST BANK OF Kathleen E. Callero, aka Kathleen E. Barnes 18 AMERICA, N.A., DOING BUSINESS **DEBTORS** AS BANK OF AMERICA HOME 19 LOANS SERVICING, LP, BAYVIEW LOAN SERVICING, LLC AND FOR 20 MICHAEL C. BURWELL-CALLERO, aka, DECLARATIVE AND INJUNCTIVE Michael C. Burwell, aka Michael Burwell RELIEF 21 and 22 Date: September 25, 2012 Time: 1:00pm KATHLEEN E. BURWELL CALLERO aka 23 Ctrm: 3099 Kathleen E. Callero, aka Kathleen E. Barnes **PLAINTIFFS** 24 v. 25 BANK OF AMERICA, N.A. and BAYVIEW 26 LOAN SERVICING, LLC 27 28

1 STIPULATION TO DISMISS 2 IT IS HEREBY STIPULATED by and between Plaintiffs Michael C. Burwell-Callero and Kathleen E. Burwell- Callero, (collectively "debtors") and respondents Bank of America, N.A. 3 ("Bank of America") and Bayview Loan Servicing, LLC (collectively "Respondents" and with 4 Debtors, the "Parties"), by and through their respective counsel, that this complaint be dismissed with prejudice; each party to bear its own attorneys' fees and costs. 5 6 **STIPULATION** 7 IT IS THEREFORE STIPULATED AND AGREED, by and between the Parties identified 8 herein and subject to the approval of the Court that: this complaint be dismissed with prejudice; each party to bear its own attorneys' fees and costs. 9 IT IS SO STIPULATED. 10 11 12 Dated August 24, 2012 LAW OFFICE OF ALEXIS D. MALONE Alexis D. Malone 13 By: /s/ Alexis D. Malone 14 Alexis D. Malone Attorney for Debtors 1.5 MICHAEL C. BURWELL-CALLERO and KATHLEEN E. **BURWELL-CALLERO** 16 17 **BRYAN CAVE LLP** Dated: August\_24, 2012 18 C. Scott Greene Andrea M. Hicks 19 Margarita Calpotura 20 By: /s/ Margarita Calpotura Margarita Calpotura 21 Attorneys for Respondent BANK OF AMERICA, N.A. 22 23 Dated: August <u>24</u>, 2012 EDWARD G. SCHLOSS LAW CORPORATION Edward G. Schloss 24 By: /s/ Edward G. Schloss 25 Edward G. Schloss Attorneys for Respondent 26 BAYVIEW LOAN SERVICING, LLC 27

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